
WELSH STATUTORY INSTRUMENTS

2021 No. 416

The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

(2) These Regulations come into force on 10 September 2021.

(3) These Regulations apply to Wales except paragraph 2 of Schedule 5 which applies to both England and Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Welfare Act 2006;

“adult dog” (“*ci llawndwf*”) means a dog which is not less than 6 months old;

“general condition” (“*amod cyffredinol*”) means the conditions set out in Schedule 2;

“kitten” (“*cath fach*”) means a cat aged less than 6 months;

“licence” (“*trwydded*”), except as the context otherwise requires in regulation 10(1)(b) or where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly;

“licence conditions” (“*amodau trwydded*”) means—

(a) the general conditions, and

(b) the relevant specific conditions;

“licensable activity” (“*gweithgaredd trwyddedadwy*”) means an activity described in paragraph 2 of Schedule 1;

“local authority” (“*awdurdod lleol*”) means the council for a county or county borough in Wales;

“operator” (“*gweithredwr*”) means an individual who—

(a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or

(b) where a licence has been granted or renewed, is the licence holder;

“pet” (“*anifail anwes*”) means an animal mainly or permanently, or intended to be mainly or permanently, kept by a person for—

- (a) personal interest,
- (b) companionship,
- (c) ornamental purposes, or
- (d) any combination of paragraphs (a) to (c);

“puppy” (“*ci bach*”) means a dog aged less than 6 months;

“relevant specific conditions” (“*amodau penodol perthnasol*”) means, in relation to the activity of selling animals as pets (or with a view to their being later resold as pets) as described in paragraph 2 of Schedule 1, the conditions set out in Schedule 3;

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1996(1).

Licencing of operators

3.—(1) Each licensable activity is a specified activity for the purposes of section 13(1) of the Act.

(2) A local authority is the licensing authority for any licensable activity carried on in premises in its area.

PART 2

Grant, renewal and variation with consent of a licence and inspection of premises

Conditions of grant or renewal of a licence

4.—(1) This regulation applies where—

- (a) a local authority has received from an operator an application in writing for the grant or renewal of a licence to carry on a licensable activity on premises in the local authority’s area, and
- (b) the application gives such information as the local authority has required.

(2) The local authority must—

- (a) appoint one or more suitably qualified inspectors to inspect any premises on which the licensable activity or any part of it is being or is to be carried on, and
- (b) following that inspection, grant a licence to the operator, or renew the operator’s licence, in accordance with the application if it is satisfied that—
 - (i) the licence conditions will be met,
 - (ii) any appropriate fee has been paid in accordance with regulation 12, and
 - (iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 9.

(3) A local authority must attach to each licence granted or renewed—

- (a) the general conditions, and
- (b) the relevant specific conditions.

(4) In considering whether the licence conditions will be met, a local authority must take account of the applicant’s conduct as the operator of the licensable activity to which the application for the

grant or renewal relates, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.

(5) A local authority must not grant a licence to an operator, or renew an operator's licence, in any circumstances other than those described in these Regulations.

(6) All licences granted or renewed in relation to any of these licensable activities are subject to the licence conditions.

Period of licence

5. A local authority may grant or renew a licence for any period up to 1 year.

Power to take samples from animals

6. An inspector may, for the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.

Duty to assist in the taking of samples from animals

7. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 6 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

Variation or revocation of a licence on the application, or with the consent, of a licence holder

8. A local authority may at any time vary or revoke a licence—

- (a) on the application in writing of the licence holder, or
- (b) on its own initiative, with the consent in writing of the licence holder.

Inspector's report

9.—(1) Where a local authority arranges an inspection pursuant to regulation 4(2)(a), it must arrange for the submission to it of a report by the inspector.

(2) The inspector's report must—

- (a) contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any relevant matter, and
- (b) state whether or not the inspector considers that the licence conditions will be met.

Persons who may not apply for a licence

10.—(1) The following persons may not apply for a licence in respect of any licensable activity—

- (a) a person listed as a disqualified person in paragraphs 2 to 8 of Schedule 4 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;
- (b) a person listed in paragraph 1 of Schedule 4 as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

(2) Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

Death of a licence holder

11.—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), the licence is to remain in force for 3 months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remain subject to the provisions in Part 2.

(3) The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence ceases to have effect on the expiry of that period.

(5) The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to 3 months if it satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

Fees

12.—(1) A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 26.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Guidance

13. A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers.

PART 3

Enforcement and notices

Grounds for suspension, variation without consent or revocation of a licence

14. A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading,

- (d) it is necessary to protect the welfare of an animal, or
- (e) the licence holder would not be able to apply for a new licence in accordance with regulation 10.

Procedure for suspension or variation without consent

15.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 14 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of its decision that the suspension or variation has immediate effect.

(3) A decision to suspend or vary a licence must—

- (a) be notified to the licence holder in writing,
- (b) state the local authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within 7 working days beginning with the date of issue of notice of the decision under regulation 14 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 14 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after 7 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;

- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
 - (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
 - (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
 - (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 14 is to be deemed to remain in force and not to be so varied.
- (11) Once a licence has been suspended for 28 days, the local authority must on the next working day—
- (a) reinstate it without varying it,
 - (b) vary and reinstate it as varied, or
 - (c) revoke it.
- (12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

Reinstatement of a suspended licence by a local authority

16.—(1) A local authority must reinstate a suspended licence by way of written notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

Notice of revocation

17.—(1) A revocation decision must—

- (a) be notified in writing to the licence holder,
- (b) state the local authority's grounds for revocation, and
- (c) give notice of the licence holder's rights of appeal to a magistrates' court and the period under regulation 23 within which such an appeal may be brought.

(2) The decision has effect on service of the notice.

Obstruction of inspectors

18. A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

Offences

19.—(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
- (b) to fail to comply with regulation 7 or 18.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Powers of entry

20. Breach of a licence condition must be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

Post-conviction powers

21. The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 19.

Notices

22.—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery,
- (b) leaving it or sending it by post to the person's current or last known postal address, or
- (c) emailing it to the person's current or last known email address.

PART 4

Appeals

Appeals

23.—(1) Any operator who is aggrieved by a decision by a local authority to refuse to grant or renew, or the decision to revoke, a licence may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(2) applies to the proceedings.

(3) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified.

PART 5

Repeals, consequential amendments and saving provision

Repeals and consequential amendments

24. Schedule 5 (repeals and consequential amendments) is to have effect.

Saving provision

25. Any unexpired licence granted in accordance with the provisions of the Pet Animal Act 1951(3) continues in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(2) 1980 c. 43.

(3) 1951 c. 35 (14 & 15 Geo 6).

PART 6

Provision of information to the Welsh Ministers

Provision of information to the Welsh Ministers

26.—(1) Each local authority must provide the following information to the Welsh Ministers in writing—

- (a) the number of licences in force in its area on each reference date, and
- (b) the average level of fees it has charged for licences it has granted or renewed in each reference period.

(2) Each local authority must provide the information to the Welsh Ministers—

- (a) in electronic form, or secure that it is accessible to the Welsh Ministers in electronic form, and
- (b) no later than the next 31 May following the relevant reference date.

(3) In this regulation—

“reference date” (“*dyddiad cyfeirio*”) means 31 March;

“reference period” (“*cyfnod cyfeirio*”) means the period beginning with 10 September 2021 and ending with 31 March 2022 and each subsequent period of 12 months beginning with the 1 April.

24 March 2021

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers